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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,051	05/19/2000	Winfried Jeske	Mo-5519/Lea.33773	2953

7590

04/09/2002

Bayer Corporation
Patent Department
100 Bayer Road
Pittsburgh, PA 15205-9741

EXAMINER

HENDERSON JR, CHRISTOPHER A

ART UNIT	PAPER NUMBER
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1713

11

DATE MAILED: 04/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,051

Applicant(s) F-P-11

JESKE ET AL.

Examiner

Christopher Henderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trivette, Jr. (Trivette), Dn 122; 13570, DN 120:10211 and Trivette discloses vulcanizing system similar to one in claimed composition (see column 4, lines 54, 55, 62; column 7, lines 65-67; column 8, line 2; column 24, line 55; column 25, lines 23, 24; column 40-lines 58-65 of Trivette).

Although Trivette disclose a large list of compounds, the claimed vulcanizing system is suggested including the compound I and appropriate range of sulfur.

The reference DN 122 and DN 120 use a weight of sulfur which is proximate to values disclosed by applicants thus it would be obvious to a skilled person in this art to modify the sulfur amount in small increments because only slight variations in processing safety or in some instances, no variations in processing safety would take place.

The compound 1, 6-bis (N, N-dibenzylthiocarbamoyldithio)-hexane (NDT) is clearly suggested by Trivette, see column 4, lines 46, 54.

Claims 1-11 are rejected under 35 U.S.C. 102(a, b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chauvin.

Chauvin discloses vulcanizable rubber compositions found in claim 1 of the application. The bis [N, N-dibenzylthiocarbamoyldithio] alkanes (N.D.) are disclosed as bringing about improved processing safety as taught by applicants.

Art Unit:


Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Henderson whose telephone number is (703) 308-2448. The examiner can normally be reached on Tues-Fri from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Wu, can be reached on (703) 308-2450. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5885.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Henderson:mv

April 3, 2002


CHRISTOPHER HENDERSON
PRIMARY EXAMINER
ART UNIT 1601/7/3